

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 13-0100-02-CR-W-HFS
)	
DESIREE DURHAM)	
)	
Defendant.)	

ORDER

This matter comes before the court regarding the issue of defendant's competency to stand trial. Pursuant to defendant's ex parte motion for a competency examination (doc. 52), defendant was committed to the custody of the Attorney General for placement in a suitable facility, pursuant to 18 U.S.C. § 4247(b), to undergo a psychiatric examination, pursuant to 18 U.S.C. § 4241(b). The examination was performed and a competency hearing was held before United States Magistrate Judge Sarah W.Hays. In the subsequent Report and Recommendation Judge Hays (doc. 64) concurred with the findings of clinical and forensic psychologist, Michelle I. Margules, Psy.D, who concluded that defendant's current symptoms rendered her unable to understand the nature and consequences of the court proceedings against her and unable to properly assist counsel in her defense.

Accordingly, it is hereby

ORDERED that the Report and Recommendation (Doc. 64) is ADOPTED and this court finds by a preponderance of the evidence that defendant is presently suffering

from a mental disease or defect to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her own defense.

It is further

ORDERED that defendant is committed to the custody of the Attorney General, who shall hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial likelihood that in the foreseeable future defendant will attain the capacity to permit the trial to proceed. It is further

ORDERED that if it is determined by the director of the facility where defendant is hospitalized that she has recovered to such an extent that she is able to understand the nature and consequences of the proceedings against her and to assist properly in her defense, the director shall promptly file a certificate to that effect with the clerk of this court. It is further

ORDERED that upon the filing of such a certificate by the director, counsel for the parties shall immediately notify the court in writing by way of a written status and shall arrange for a date for the parties to appear in court.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

January 14, 2014

Kansas City, Missouri